

REMARKS

This is a Preliminary Amendment which is filed concurrently with the national entry of the above-referenced patent application.

The specification has been amended to insert priority information.

Applicants have cancelled claims 1, 4-16, 21-22, 31-32, 36, 38, 44, 52, 54, 59-60, 62-64, and 67-82. Applicants have amended the claims as follows:

Claims 2-3 have been amended to depend from claim 24, rather than cancelled claim 1.

Claims 17, 18, and 23 have been rewritten to depend from claim 24.

Claims 26, 28, 46, and 48 have been amended to specify that the fluorescence difference is plotted. Support for the amendments to claims 26, 28, 46, and 48 is found in the specification, illustratively in Example 10, pages 38-41.

Claim 29 has been amended to remove multiple dependency and to add the subject matter of claim 38 (now cancelled) to the Markush group.

Claim 34 had been amended to depend from claim 17.

Claim 35 has been amended to depend from claim 17. Claim 35 has also been amended to specify that the target nucleic acid is no longer than 61 bp. Support for this amendment is found on page 27, lines 5-24, wherein amplicon length is the length of primer 1 (12-30 bases), plus the length of primer 2 (12-30 bases), plus the length of the region that needs to be tested (1 base for an SNP).

Claim 37 has been amended to incorporate the subject matter of claim 36 (now cancelled).

Claim 43 has been rewritten to depend from claim 24.

Claim 49 has been amended to add alkylsulfonate to the R^2 Markush group and $-C(O)Ph$ to the R^3 Markush group. Support for this amendment is found throughout the specification, illustratively at page 14, line 2 and page 17, lines 14-15 and page 50, structure O8.

Claim 50 has been amended to add optionally substituted pyridine to the Markush group. Support for this amendment is found throughout the specification, illustratively at

page 18, line 30 through page 19, line 2. Claim 50 has also been amended to incorporate the subject matter of original claim 52 (now cancelled).

Claim 53 has been amended consistently with the amendments to claim 49.

Claims 56 and 57 have been amended to add alkylthio to the Markush group. Support for this amendment is found throughout the specification and in original claim 49.

Claim 61 has been amended consistently with the amendments to claim 49.

Claim 65 has been amended to depend from claim 43.

The amendments contained herein introduce no new matter in the application. Examination and consideration of the application, as amended, is respectfully requested. Applicants believe that no additional fee is required to accompany this Preliminary Amendment. In the event Applicants have inadvertently overlooked the need for any additional fee, Applicant authorizes any deficiency to be charged to deposit account number 09-0007. When doing so, please refer to our File No. P00950-US-01.

Respectfully submitted,



Jill T. Powlick
Attorney for Applicant
Attorney Registration No. 42088
ICE MILLER
One American Square, Box 82001
Indianapolis, Indiana 46282-0200
Telephone: (317) 236-5972
Facsimile: (317) 592-4610